

REVISED

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, JULY 18, 2005
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Please see the regular meeting Open Session Agenda to determine when such matters may be heard.**

The City Council will meet in Closed Session immediately following the conclusion of the regular open session meeting on Monday, July 18, 2005, and may continue into Tuesday, July 19, 2005.

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Sierra Club v. California Coastal Commission and City of San Diego*
San Diego Superior Court No. GIC844081

DCA assigned: D. Smith

This case involves a writ of mandate challenging the California Coastal Commission's January 12, 2005, approval of the City's application for a vested rights determination for the designation of a swim-only area, and the placement of buoys in the ocean adjacent to the kayak boat launch and La Jolla Beach and Tennis Club at La Jolla Shores beach. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on Petitioner's most recent offer to settle the case.

CS-2 *Shan L. McDonald V. City Of San Diego, et al.*

United States District Court Southern District of California
Case No. 04-CV-2265 IDG (RBB)

DCA assigned: A. Jones

This matter involves an action seeking remedy in federal court to enjoin all future elections which allow write-in candidates in violation of the City Charter. In closed session, the City Attorney will recommend to the Council the reconciliation of the San Diego Municipal Code sections that Allow Write-in Candidates with the San Diego City Charter that Prohibits Write-in Candidates.

CS-3 *San Diego City Employees' Retirement System v. San Diego City Attorney, et al. and related Cross-Action*

San Diego Superior Court No. GIC841845

ACA assigned: D. McGrath

This matter is an action filed by the retirement system covering a variety of issues. The matter was stayed pending activity of the City's Audit Committee, but the stay recently expired. The City Attorney filed (but did not serve) a cross-complaint raising a variety of issues and will brief the City Council on the status of the matter in closed session, and request appropriate direction.

CS-4 *William J. McGuigan v. City of San Diego, et al.*

San Diego Superior Court Case No. GIC849883.

ACA assigned: D. McGrath

This lawsuit was filed on behalf of a retired City employee against the City of San Diego requesting that the Court order the City to immediately pay all past unfunded pension liability to the retirement system. In closed session, the City Attorney will brief the City Council on the matter and request appropriate direction.

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-5 Number of Cases: One or more

ACA assigned: D. McGrath

These matters involve potential action against a variety of individuals or entities for the recovery of money. In closed session, the City Attorney will brief the City Council on the prospects for recovery and request appropriate direction.